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Wisconsin State Assembly
Committee on Local Government

Dear Committee on Local Government members,

The Sierra Club is concerned that the Committee is fast-tracking these bills without benefit of adequate study and understanding of the environmental impacts of each. We are concerned that each creates sweeping exemptions from Wisconsin's already permissive rules for non-metallic mining. Absent a compelling rationale for the specific exemptions reflected in these bills and given that each bill carves out new blanket exemptions for the entire industry, the Sierra Club opposes both AB 319 and AB 320.

AB 319 circumvents the non-metallic mining reclamation requirements by exempting portions of a mining site from reclamation standards. It does this by allowing a concrete or asphalt plant to occupy a portion of a site but not be required to meet non-metallic mining standards should the rest of the site be reclaimed. These alternate uses for the site should be required to meet the minimal non-metallic mining standards if and when they no longer occupy or utilize the mine site. Non-metallic mining rules already specifically allow operators to apply to modify a reclamation plan or reclamation permit via NR 135.24(2). This is the normal process that ensures that a modification proposal is reviewed for compliance by the relevant regulatory authority. Instead, AB 319 circumvents local control of reclamation standards by granting preemptive approval to a land use on a mine site that was not initially approved by the relevant regulator. An alternative proposed land use for a mine site should be subject to approval or disapproval by the relevant local regulator and not the state.

AB 320 similarly carves out a specific blanket exemption for the non-metallic mining industry without adequate justification. AB 320 notably applies to any non-metallic operation and is not limited to reclamation activities. In other words, it grants the industry the ability to site any artificial waterbody – whether for mining itself or other related activities – anywhere within 500 feet of a navigable waterbody as long as it is disconnected. Any decrease in the distance between an artificial waterbody on an industrial site should be discouraged as it increases the potential to pollute groundwater that can impact a navigable water. Siting an artificial waterbody closer to a navigable water also increases the risks of unintended contamination due to storm water events. A 500-foot buffer should remain the minimum distance to help safeguard navigable waters.

For all these reasons the Sierra Club opposes both AB 319 and AB 320. Thank you for considering our comments.

Dave Blouin, Mining Committee Chair
Sierra Club – Wisconsin Chapter